

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Vice Chair Rick Ripley, on April 6, 2011 at 9:00 A.M., in Room 317
Capitol

ROLL CALL

Members Present:

Sen. Rick Ripley, Vice Chairman (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Edward Buttrey (R)
Sen. Steven Gallus (D)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Llew Jones (R)
Sen. Jim Keane (D)
Sen. Edward Walker (R)
Sen. David E. Wanzenried (D)

Members Excused:

Sen. Dave Lewis, Chairman (R)
Sen. Mary Caferro (D)
Sen. Alan Olson (R)
Sen. Jason Priest (R)
Sen. Jon Sonju (R)
Sen. Carol Williams (D)
Sen. Ryan Zinke (R)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
Prudence Gildroy, Committee Secretary
Taryn Purdy, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 495, 3/31/2011; HB 388, 3/31/2011; HB 502, 3/31/2011

Executive Action: HB 611; HB 317; HB 343; HB 439; HB 388; HB 502; HB 316;
HB 140; HB 439

HEARING ON HB 495

Opening Statement by Sponsor:

00:01:05 Rep. Rob Cook (R), HD 27, opened the hearing on HB 495, Revise statutory appropriations and local government entitlement share payments.

Proponents' Testimony:

00:04:20 Alec Hansen, League of Cities and Towns

00:08:50 Gordon Morris, Lewis & Clark County and Association of County Road Supervisors

00:09:41 John MacDonald, City of Missoula

00:10:23 Ed Bartlett, Yellowstone County and City of Billings

00:10:51 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

[EXHIBIT\(fcs77a01\)](#)

[EXHIBIT\(fcs77a02\)](#)

Opponents' Testimony:

00:19:09 Linda Stoll, representing Missoula County

Informational Testimony:

None

Questions from Committee Members and Responses:

00:25:48 Sen. Barrett

00:26:13 Mr. Blattie, MACo

00:27:15 Sen. Barrett

00:27:31 Mr. Blattie

Closing by Sponsor:

00:28:41 Rep. Cook

HEARING ON HB 388

Opening Statement by Sponsor:

00:29:59 Rep. Rob Cook (R), HD 27, opened the hearing on HB 388, Statutorily require comparison of spending, budgets & various economic indices.

Proponents' Testimony:

None

Opponents' Testimony:

00:31:26 Director David Ewer, Office of Budget and Program Planning (OBPP)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:31:58 Sen. Zinke
00:32:30 Rep. Cook
00:33:17 Sen. Zinke
00:33:47 Rep. Cook
00:34:10 Sen. Brown
00:35:23 Rep. Cook
00:36:22 Sen. Brown
00:37:11 Rep. Cook
00:37:44 Sen. Williams
00:38:25 Director Ewer, OBPP
00:39:58 Sen. Williams
00:40:04 Director Ewer
00:40:34 Sen. Hawks
00:42:10 Rep. Cook
00:43:34 Sen. Hawks
00:44:15 Rep. Cook
00:44:52 Sen. Brown
00:45:55 Rep. Cook
00:46:14 Sen. Jones
00:46:51 Rep. Cook
00:47:30 Sen. Jones
00:47:51 Rep. Cook
00:48:18 Rep. Jones
00:48:26 Sen. Keane
00:49:05 Rep. Cook
00:50:39 Sen. Keane
00:50:47 Rep. Cook

Closing by Sponsor:

00:51:09 Rep. Cook

HEARING ON HB 502

Opening Statement by Sponsor:

00:51:26 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 502, Provide for installation of historically appropriate handrails in Capitol.

Proponents' Testimony:

01:00:29 Betty Babcock, Montana Capitol Restoration Project

[**EXHIBIT\(fcs77a03\)**](#)

01:04:29 Russ Ritter, representing himself

Opponents' Testimony:

None

Informational Testimony:

01:06:49 Marvin Eicholz, Department of Administration

Questions from Committee Members and Responses:

01:07:09 Sen. Hamlett

01:07:23 Rep. Hunter

01:07:30 Sen. Hamlett

01:07:57 Rep. Hunter

Closing by Sponsor:

01:08:41 Rep. Hunter

01:09:49 Chairman Lewis

EXECUTIVE ACTION ON HB 611

(Sen. Gallus, Sen. Olson and Sen. Walker not present)

01:11:24 **Motion:** Sen. Jones moved that **HB 611 BE CONCURRED IN.**

01:12:00 **Motion:** Sen. Jones moved that **HB 611 BE AMENDED.**

[**EXHIBIT\(fcs77a04\)**](#)

Discussion:

01:12:17 Sen. Jones

01:12:54 Sen. Ripley

01:13:14 Sen. Jones

01:13:38 Sen. Ripley

01:13:43 Jaret Coles, Legislative Services Division (LSD)

01:14:32 Sen. Ripley

01:14:53 Sen. Priest

01:15:12 Sen. Jones

01:15:25 Sen. Priest

01:15:49 Chairman Lewis

01:16:24 Sen. Jones

01:16:41 Sen. Hawks

01:16:56 Sen. Jones

01:17:16 **Vote:** Motion carried 13-5 by roll call vote of those present and voting with Sen. Brenden, Sen. Gallus, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus and Sen. Olson voted by proxy. Sen. Walker abstained from vote.

01:18:30 Taryn Purdy, Legislative Fiscal Division (LFD)

01:18:45 **Motion:** Sen. Ripley moved that **HB 611 BE AMENDED.**
EXHIBIT(fcs77a05)

Discussion:

01:18:52 Sen. Ripley

01:19:14 **Vote:** Motion carried 16-0 voice vote of those present and voting.

01:19:35 **Motion:** Sen. Brown moved that **HB 611 BE AMENDED.**
EXHIBIT(fcs77a06)

Discussion:

01:19:37 Sen. Brown

01:21:17 **Vote:** Motion carried 15-1 voice vote of those present and voting with Sen. Wanzenried voting no.

01:21:31 Taryn Purdy, Legislative Fiscal Division (LFD)

01:21:44 Chairman Lewis

01:21:54 Sen. Jones

EXHIBIT(fcs77a07)

01:22:35 Mr. Coles, LSD

01:23:43 Chairman Lewis

01:23:51 Mr. Coles

01:24:09 Chairman Lewis

(Sen. Gallus and Sen. Olson not present)

01:24:27 **Motion/Vote:** Sen. Jones moved that **HB 611 BE CONCURRED IN AS AMENDED.** Motion carried 11-8 by roll call vote with Sen. Brenden, Sen. Gallus, Sen. Keane, Sen. Priest, Sen. Sonju, Sen. Walker, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus and Sen. Olson voted by proxy. Sen. Jones will carry the bill.

EXECUTIVE ACTION ON HB 317

01:26:03 **Motion:** Sen. Ripley moved that **HB 317 BE CONCURRED IN.**

01:26:18 **Motion:** Sen. Brown moved that **HB 317 BE AMENDED.**
EXHIBIT(fcs77a08)

Discussion:

01:26:16 Sen. Brown
 01:26:40 Sen. Zinke
 01:26:47 Sen. Brown
 01:27:38 Sen. Hawks

01:27:55 (*Sen. Gallus now present*)

01:28:01 Sen. Ripley
 01:28:13 Sen. Brown
 01:28:39 Sen. Zinke
 01:28:48 Sen. Brown
 01:28:56 Sen. Ripley
 01:29:10 Sen. Brown
 01:29:32 Taryn Purdy, Legislative Fiscal Division (LFD)
 01:29:50 Chairman Lewis
 01:30:04 Sen. Brown
 01:30:11 Sen. Sonju
 01:30:23 Sen. Brown
 01:31:04 Sen. Hamlett
 01:31:20 Sen. Hawks
 01:32:40 Sen. Barrett
 01:32:46 Sen. Brown
 01:33:15 Sen. Zinke

01:33:38 **Vote:** Motion carried 18-0 by voice vote of those present and voting.

01:33:53 **Motion:** Sen. Lewis moved that **HB 317 BE CONCURRED IN AS AMENDED.**

Discussion:

01:33:55 Chairman Lewis
 01:34:42 Sen. Wanzenried
 01:35:08 Sen. Ripley
 01:35:26 Sen. Wanzenried
 01:36:07 Sen. Hamlett
 01:36:20 Sen. Williams
 01:36:55 Sen. Brown
 01:38:14 Sen. Wanzenried
 01:38:41 Chairman Lewis
 01:38:57 Sen. Jones
 01:41:27 Sen. Brenden
 01:42:05 Sen. Williams
 01:43:31 Sen. Ripley
 01:44:18 Sen. Jones
 01:45:19 Sen. Williams

01:46:09 Sen. Hawks
01:47:13 Chairman Lewis

01:47:24 **Vote:** Motion carried 13-6 by roll call vote with Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON HB 343

Sen. Olson not present

01:48:38 **Motion:** Sen. Ripley moved that **HB 343 BE CONCURRED IN.**

01:48:50 **Motion:** Sen. Buttrey moved that **HB 343 BE AMENDED.**
EXHIBIT(fcs77a09)

Discussion:

01:49:02 Sen. Buttrey

01:50:10 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:50:20 Sen. Zinke
01:51:32 Chairman Lewis

01:51:51 **Motion:** Sen. Ripley moved that **HB 343 BE AMENDED.**
EXHIBIT(fcs77a10)

Discussion:

01:52:01 Sen. Ripley

01:52:26 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:52:37 **Motion:** Sen. Lewis moved that **HB 343 BE CONCURRED IN AS AMENDED.**

Discussion:

01:52:40 Chairman Lewis

01:53:40 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **HB 343 BE TABLED.** Substitute Motion carried 12-6 by roll call vote of those present and voting with Sen. Barrett, Sen. Brown, Sen. Buttrey, Sen. Jones, Sen. Ripley and Sen. Walker voting no. Sen. Olson abstained from vote.

DISCUSSION ON HB 439

01:54:57 Chairman Lewis
01:56:07 Sen. Williams

01:57:08 Chairman Lewis
01:57:53 Sen. Ripley
01:58:17 Sen. Williams
01:58:55 Sen. Ripley
01:59:11 Sen. Jones
01:59:28 Chairman Lewis
02:00:09 Sen. Wanzenried
02:01:14 Chairman Lewis
02:01:38 Sen. Williams
02:01:57 Sen. Barrett
02:02:23 Chairman Lewis
02:02:36 Sen. Wanzenried
02:03:01 Chairman Lewis

EXECUTIVE ACTION ON HB 388

(Sen. Olson not present)

02:03:46 **Motion:** Sen. Ripley moved that **HB 388 BE CONCURRED IN.**

Discussion:

02:03:58 Sen. Lewis

02:03:59 **Vote:** Motion carried 12-7 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Olson voted by proxy. Sen. Jones will carry the bill.

EXECUTIVE ACTION ON HB 502

02:05:29 **Motion:** Sen. C. Williams moved that **HB 502 BE CONCURRED IN.**

02:05:34 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **HB 502 BE TABLED.** Substitute Motion carried 11-7 by roll call vote of those present and voting with Sen. Barrett, Sen. Caferro, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Olson abstained from vote.

EXECUTIVE ACTION ON HB 316

(Sen. Gallus and Sen. Olson not present)

02:06:57 **Motion:** Sen. Zinke moved that **HB 316 BE CONCURRED IN.**

02:07:14 **Motion:** Sen. Zinke moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a11)

Discussion:

02:08:14 Sen. Zinke
02:11:34 Sen. Brenden

02:12:38 Sen. Brown
02:13:07 Sen. Jones
02:14:31 Sen. Priest
02:15:41 Chairman Lewis
02:16:11 Sen. Wanzenried
02:16:34 Chairman Lewis
02:16:46 Sen. Jones
02:17:55 Sen. Williams
02:18:42 Chairman Lewis
02:18:47 Sen. Jones
02:20:12 Chairman Lewis
02:20:44 Sen. Brown
02:20:52 Sen. Zinke
02:21:02 Chairman Lewis
02:21:09 Sen. Jones
02:21:34 Sen. Zinke
02:22:59 Chairman Lewis

02:23:09 **Vote:** Motion carried 13-6 by roll call vote with Sen. Brenden, Sen. Olson, Sen. Priest, Sen. Sonju, Sen. Walker and Sen. Wanzenried voting no. Sen. Gallus and Sen. Olson voted by proxy.

02:24:13 Sen. Brenden

02:24:27 **Motion:** Sen. Jones moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a12)

Discussion:

02:24:44 Sen. Jones
02:25:16 Taryn Purdy, LFD
02:25:26 Barbara Smith, LFD

02:26:19 **Vote:** Motion carried 17-0 by voice vote of those present and voting.

02:26:40 **Motion:** Sen. Keane moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a13)

Discussion:

02:26:42 Sen. Keane
02:27:28 Sen. Zinke
02:27:48 Ms. Smith, LFD
02:27:59 Sen. Brenden
02:28:59 Chairman Lewis
02:29:15 Sen. Brenden
02:29:34 Sen. Priest
02:29:58 Sen. Brown
02:30:03 Ms. Smith

02:30:29 Sen. Ripley

02:30:42 Sen. Keane

02:31:49 **Vote:** Motion carried 10-9 by roll call vote with Sen. Brenden, Sen. Buttrey, Sen. Hawks, Sen. Jones, Sen. Lewis, Sen. Olson, Sen. Ripley, Sen. Sonju and Sen. Zinke voting no. Sen. Gallus and Sen. Olson voted by proxy.

02:33:05 **Motion:** Sen. Lewis moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a14)

Discussion:

02:33:18 Jared Coles, LSD

02:34:00 **Vote:** Motion carried 17-0 by voice vote of those present and voting.

02:34:09 **Motion:** Sen. Brenden moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a15)

Discussion:

02:34:21 Sen. Brenden

02:35:24 **Substitute Motion/Vote:** Sen. Ripley made a substitute motion that the **AMENDMENT BE TABLED.** Substitute Motion carried 10-8 by roll call vote with Sen. Brenden, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Keane, Sen. Priest, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus voted by proxy. Sen. Olson abstained from vote.

02:36:44 **Motion:** Sen. Priest moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a16)

Discussion:

02:36:52 Sen. Priest

02:37:15 Chairman Lewis

02:37:31 Sen. Priest

02:37:36 **Substitute Motion/Vote:** Sen. Jones made a substitute motion that the **AMENDMENT BE TABLED.** Substitute Motion failed 8-10 by roll call vote with Sen. Barrett, Sen. Brown, Sen. Buttrey, Sen. Hawks, Sen. Jones, Sen. Lewis, Sen. Ripley and Sen. Zinke voting aye. Sen. Gallus voted by proxy. Sen. Olson abstained from vote.

02:38:57 Sen. Hawks

02:40:01 Sen. Jones

02:41:11 Sen. Zinke

02:41:43 Sen. Brown

02:42:08 Chairman Lewis

02:42:12 Sen. Brown

02:43:04 Chairman Lewis

02:43:19 Sen. Brown

(Sen. Gallus now present)

02:43:22 **Vote:** Motion carried 10-8 by roll call vote of those present and voting with Sen. Barrett, Sen. Brown, Sen. Buttrey, Sen. Hawks, Sen. Jones, Sen. Lewis, Sen. Ripley and Sen. Zinke voting no.

02:44:28 **Motion:** Sen. Wanzenried moved that **HB 316 BE AMENDED.**
EXHIBIT(fcs77a17)

Discussion:

02:48:24 Chairman Lewis

02:49:06 Sen. Wanzenried

02:49:53 Ms. Purdy, LFD

02:50:02 Sen. Wanzenried **WITHDREW HIS MOTION TO AMEND.**

02:50:20 Sen. Ripley

02:50:25 Chairman Lewis

02:50:30 Ms. Purdy

02:50:54 **Motion:** Sen. Zinke moved that **HB 316 BE CONCURRED IN AS AMENDED.**

Discussion:

02:51:04 Sen. Brown

02:51:36 Chairman Lewis

02:51:58 Sen. Keane

02:52:07 Sen. Jones

02:52:17 Chairman Lewis

02:52:21 Sen. Jones

02:52:55 Chairman Lewis

(Sen. Gallus, Sen. Olson, and Sen. Williams not present)

02:53:08 **Vote:** Motion carried 12-7 by roll call vote with Sen. Brenden, Sen. Caferro, Sen. Gallus, Sen. Keane, Sen. Sonju, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Williams, and Sen. Olson voted by proxy. Sen. Zinke will carry the bill.

02:54:20 Chairman Lewis

02:54:48 Sen. Buttrey

02:54:44 Sen. Priest

02:54:54 Sen. Jones

02:54:55 Chairman Lewis

02:55:20 Recess
02:55:23 Reconvene

02:55:32 Chairman Lewis

EXECUTIVE ACTION ON HB 140

02:55:42 **Motion:** Sen. Ripley moved that **HB 140 BE CONCURRED IN.**

02:55:54 **Motion:** Sen. Jones moved that **HB 140 BE AMENDED WITH A CONCEPTUAL AMENDMENT** on page 4, line 25 striking "2015" and inserting "2014".

Discussion:

02:56:24 Sen. Keane
02:56:26 Taryn Purdy, Legislative Fiscal Division (LFD)
02:57:09 Sen. Keane
02:57:26 Chairman Lewis
02:57:29 Sen. Keane
02:57:31 Chairman Lewis
02:57:52 Sen. Brown
02:57:54 Chairman Lewis

(Sen. Buttrey, Sen. Caferro, Sen. Gallus, Sen. Olson, Sen. Priest and Sen. Sonju not present.)

02:58:14 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:58:23 **Motion:** Sen. Ripley moved that **HB 140 BE CONCURRED IN AS AMENDED.**

Discussion:

02:58:31 Sen. Brown
02:59:21 Sen. Jones
03:00:29 Sen. Brown
03:00:33 Chairman Lewis
03:00:40 Sen. Wanzenried
03:01:12 Chairman Lewis
03:01:39 Sen. Wanzenried
03:01:49 Chairman Lewis
03:02:15 Jaret Coles, Legislative Services Division (LSD)
03:03:57 Chairman Lewis

03:04:17 **Motion/Vote:** Sen. Jones moved a **CONCEPTUAL AMENDMENT** that **HB 140 BE AMENDED** on page 2, line 17 striking "2013" and inserting "2014" and on page 2, line 23 striking "2013" and inserting "2014" and on page 4, line 17 following "biennium" to insert "and in fiscal year 2014". Motion carried 12-1 voice vote of those present and voting with Sen. Wanzenried voting no.

03:05:07 **Motion:** Sen. Ripley moved that **HB 140 BE CONCURRED IN AS AMENDED.**

Discussion:

03:05:20 Sen. Hamlett

(Sen. Buttrey, Sen. Caferro, Sen. Gallus, Sen. Olson, Sen. Priest, Sen. Sonju, and Sen. Zinke not present.)

03:05:37 **Vote:** Motion carried 10-9 by roll call vote with Sen. Brenden, Sen. Brown, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Buttrey, Sen. Caferro, Sen. Gallus, Sen. Olson, Sen. Priest, Sen. Sonju and Sen. Zinke voted by proxy. Sen. Olson will carry the bill.

EXECUTIVE ACTION ON HB 439

03:07:06 **Motion:** Sen. C. Williams moved that **HB 439 BE CONCURRED IN.**

Discussion:

03:07:21 Sen. Williams

03:15:47 Sen. Ripley

03:16:11 Sen. Brenden

03:20:01 Sen. Brown

03:24:06 Sen. Hawks

03:27:15 Sen. Keane

03:30:37 Sen. Walker

03:31:56 Sen. Hamlett

03:32:37 Chairman Lewis

03:33:58 **Motion:** Sen. Lewis moved that **HB 439 BE AMENDED WITH A CONCEPTUAL AMENDMENT** on page 1, line 28 striking \$20 million" and inserting "\$40 million".

Discussion:

03:47:28 Chairman Lewis

03:34:51 Sen. Wanzenried

03:35:27 Sen. Williams

03:36:13 Chairman Lewis

03:36:26 Sen. Keane

03:36:43 Chairman Lewis

03:37:16 Sen. Hawks

03:37:42 Chairman Lewis

03:38:11 Sen. Hawks

03:38:19 Sen. Wanzenried

03:39:41 Chairman Lewis

03:39:44 Sen. Ripley

03:40:19 Sen. Wanzenried

03:40:40 Sen. Ripley
03:40:58 Sen. Wanzenried
03:41:12 Sen. Ripley
03:41:21 Sen. Williams
03:41:43 Chairman Lewis
03:41:47 Sen. Ripley
03:41:54 Sen. Keane
03:42:16 Chairman Lewis
03:43:04 Sen. Williams
03:43:19 Sen. Ripley

03:43:31 Chairman Lewis **WITHDREW HIS CONCEPTUAL AMENDMENT.**

03:44:14 **Motion:** Sen. Ripley moved that **HB 439 BE AMENDED.**
EXHIBIT(fcs77a18)

Discussion:

03:43:52 Sen. Ripley

03:44:37 Chairman Ripley **WITHDREW HIS AMENDMENT.**

03:44:47 **Motion:** Sen. Lewis moved that **HB 439 BE AMENDED WITH A CONCEPTUAL AMENDMENT** on page 1, line 28, line 1 and page 4, line 6 striking "20 million" and inserting "\$35 million".

Discussion:

03:45:12 Sen. Keane

03:45:27 **Vote:** Motion carried 9-1 by voice vote of those present and voting with Sen. Wanzenried voting no.

03:45:37 **Motion/Vote:** Sen. C. Williams moved that **HB 439 BE CONCURRED IN AS AMENDED.** Motion carried 15-4 by roll call vote with Sen. Brenden, Sen. Priest, Sen. Sonju and Sen. Walker voting no. Sen. Brenden, Sen. Caferro, Sen. Buttrey, Sen. Gallus, Sen. Olson, Sen. Priest, Sen. Sonju, Sen. Walker and Sen. Zinke voted by proxy. Sen. Williams will carry the bill.

ADJOURNMENT

Adjournment: 03:47:28

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([fcs77aad.pdf](#))